UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
57th meeting
held on
Monday, 9 December 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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A/C.3/46/SR.57
13 December 1991

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (A/46/363, 524, 703; A/C.3/46/L.67 and L.70)

1. Miss ANSTEE (Director-General, United Nations Office at Vienna) said that the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme had marked both an end and a beginnning. It had completed the cycle of many events organized in the past three years to review the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice and had set a new course by laying down the basic principles for the creation of a more effective United Nations programme that was more responsive to the needs of Member States.

2. The Intergovernmental Working Group, established under General Assembly resolution 45/108, had put forward proposals covering a broad range of matters, from the structure and management of the institutional bodies to be set up at both the intergovernmental and secretariat levels to the way in which the substantive priorities of the programme should be determined in the future. The Ministerial Summit had considered those proposals and had reached consensus on the elements and future structure of the programme. In their statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, set out in the annex to the draft resolution recommended for adoption by the General Assembly, which was contained in the report of the Summit (A/46/703, annex, chap. II, sect. A), Member States expressed their determination to translate their political will into concrete action and set forth a number of ways to do so. It had also been agreed that the general purpose of the United Nations crime prevention and criminal justice programme should be to provide assistance to States in combating both national and transnational crime.

3. First and foremost, the Ministerial Summit had recommended that the Committee on Crime Prevention and Control should be dissolved and that in its place a commission on crime prevention and criminal justice should be established as a functional commission of the Economic and Social Council. The commission would have the responsibility of defining the programme of work and supervising its implementation, while ensuring more governmental involvement, particularly at the policy-making level. Agreement had also been reached on the size and geographical composition of the commission.

4. The Ministerial Summit had suggested that the arrangement could be reviewed by the General Assembly two years after the first session of the commission and urged that the new body should start its work as soon as possible, namely in early 1992. In addition to its responsibility for policy and programme formulation, the commission would have the important tasks of

(Miss Anstee)

considering establishing a foundation for crime prevention and considering the desirability of an international convention on crime prevention and criminal justice.

5. If the proposals by the Ministerial Summit were adopted at the current session of the General Assembly, the Secretary-General could immediately call for nominations to the commission in December so that elections could be held during the organizational session of the Economic and Social Council in February 1992. At that session, the Council would also formally dissolve the Committee on Crime Prevention and Control and establish the commission. The members of the Committee on Crime Prevention and Control would attend to the first session of the commission to provide continuity. In that connection, she stressed that cost was not an issue with regard to that part of the proposals. If the General Assembly approved the recommendations of the Ministerial Summit, the commission could hold its first meeting in the spring of 1992 and its recommendations could be considered by the Council at its July session. She greatly hoped that the Member States would adopt the proposed plan forthwith so that work could begin as soon as possible.

6. The Ministerial Summit had recommended that the Crime Prevention and Criminal Justice Branch should be upgraded into a division as soon as possible, within the Centre for Social Development and Humanitarian Affairs and the United Nations Office at Vienna. The contribution of the United Nations institutes and affiliates should also be fully integrated into the overall programme. The recommendations put forward by the Summit represented the culmination of a long process of analysis, deliberation and negotiation. The adoption of those recommendations, which contained all the organizational and substantive components of the new programme, would mark a major step forward towards constructive reform.

7. The Summit's proposals clearly integrated crime prevention and criminal justice activities into the mainstream of the economic, political and social concerns of the United Nations. Crime and justice should be addressed as multifaceted problems requiring coordinated national and international responses. The Statement of Principles recognized that the world was experiencing very important changes resulting in a political climate conducive to democracy, to international cooperation, to more widespread enjoyment of basic human rights, and to the realization of the aspirations of all nations to economic development and social progress. The Ministers expressed their belief that justice based on the rule of law was the pillar on which civilized society rested. The potential of the newly shaped United Nations crime prevention and criminal justice programme should be fully appreciated. It should contribute to the creation of a climate of security and ensure stability and conditions propitious to development.

8. It was of particular importance that the programme should contribute to the non-violent resolution of conflicts, establish effective justice systems and redress grievances. The potential for undertaking technical cooperation

(Miss Anstee)

in building sound criminal justice sytems was not only vast but immensely urgent. Equally important was the role of the programme in other areas of major international concern, including the achievement of the key objectives of the forthcoming United Nations Conference on Environment and Development, particularly with regard to the development of international environmental law and the definition of international environmental crimes. The programme could also assist Member States in formulating new criminal laws and regulations to ensure greater protection for the victims of environmental offences. As a result of the closer ties developing between the United Nations Office at Vienna and the Centre for Human Rights in Geneva, the programme would be closely involved in preparations for the 1993 World Conference on Human Rights.

9. None of that could be done without cost. Reform would be meaningless without significant additional resources to bridge the widening gap between ever-increasing mandates and a zero-growth budget. A major task of the commission's first session would be to develop programme priorities and make recommendations to the Economic and Social Council about the size and scope of future activities. The financial implications of carrying out the programme would be submitted to the General Assembly at its next session.

10. She sincerely hoped that the good intentions expressed at the Ministerial Summit would be borne out by a positive response to the urgent resource requirements of the programme on the basis of the proposals to be made by the commission at its first session. The secretariat in Vienna was eager to embark on the new phase and was well aware of the need to do so by making utmost use of existing resources. It was evident, however, that by themselves those resources would not be sufficient to meet the challenges that lay ahead. It was for the General Assembly to adopt the plan put forward at the Ministerial Summit so that work could proceed forthwith to strengthen international action against the insidious menace of international crime.

11. Mr. VAN SCHAIK (Netherlands), speaking on behalf of the European Community and its 12 member States, said that the Twelve welcomed the statement of principles and proposed programme of action of the United Nations crime prevention and criminal justice programme. They attached great importance to dealing with issues relating to crime prevention and criminal justice at the level of the United Nations. In Europe, as in other areas of the world, crime was increasing and putting ever-growing pressure on criminal justice systems. Although underdevelopment and a lack of social opportunities might be said to generate lawlessness and crime, it could not be maintained that development as such was a panacea. Increasing development appeared to create opportunities for new forms of crime. Developing countries, apart from benefiting from general development cooperation, should also take advantage of the experience gained by developed countries in the field of crime prevention and the administration of justice.

12. Some States members of the European Community intended to make specific assistance available to the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders in order to help set up the

(Mr. van Schaik, Netherlands)

necessary structure for policy development and training facilities in the African region. In Central and Eastern Europe, the increasing level of crime and violence was a matter of grave concern. Assistance must be provided lest the situation in those countries should offer opportunities for those who abused their rights and freedoms and undermined the principle of democracy. The United Nations system should play an important role in that respect and should be enhanced in order to meet the needs of developing countries and pluralistic democracy with its inherent respect for human rights and fundamental freedoms.

13. The United Nations also had an important role to play by providing policy advice and serving as a clearing-house for technical cooperation. Individual projects could be financed by voluntary contributions. The Twelve attached high priority to a positive approach that promoted respect for human rights, including active support for strengthening the judiciary, the administration of justice, crime prevention and the treatment of offenders.

14. The Twelve wished to highlight the essential link between a sound system for the administration of justice and the realization of human rights, and to underscore the importance of effective cooperation between the commission on crime prevention and criminal justice and the Commission on Human Rights. The Ministerial Meeting had been very successful. The new commission would have an important role to play in setting United Nations standards in the field of criminal justice and monitoring their application, and could also serve as a body for developing model bilateral instruments for international cooperation in criminal matters.

15. The States members of the European Community could endorse the draft resolution on the creation of an effective United Nations crime prevention and criminal justice programme, the statement of principles and the proposed programme of action, as amended in Paris, provided those texts were adopted as a single package. They regarded the acceptance of the three texts as a constructive compromise achieved through strenuous negotiations. Some issues brought to the attention of the Ministerial Meeting, such as the question of employing effective mechanisms to facilitate technical cooperation and other initiatives, could be referred to the proposed new commission.

16. The European Community and its States members hoped that the new commission would be established at the first organizational session of the Economic and Social Council in 1992. They supported the establishment of the commission as a new functional commission of the Council and endorsed the proposals for its membership and functions as contained in the proposed programme of action annexed to the draft resolution. On the basis of a decision taken at the current session of the General Assembly, the Secretary-General would be able to notify States of elections to the commission in February 1992.

17. As the Director-General of the United Nations Office at Vienna had indicated at the Ministerial Meeting, setting up the commission in 1992

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would not present a serious financial problem since funds originally allocated to the session of the Committee on Crime Prevention and Control could be used in organizing the first session of the new body. As the first session would doubtless be of an organizational nature, it was to be hoped that a second session would duly be held in 1993 to give early guidance to the programme and to consider proposals for the next congress. In that connection, he said that the Twelve were in favour of scaling back the duration of congresses to not more than five working days as against the period of between five and ten working days recommended in paragraph 30 (a) of the programme of action, but would not press for an amendment.

18. The Twelve noted and endorsed the proposal to the effect that, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, provisions should be made in the regular budget of the United Nations to defray the travel costs of representatives of the least developed countries which were members of the commission. As for the secretariat servicing the new body, it should be of a size commensurate with the commission's mandate and work. The use of existing Secretariat resources needed to be assessed and existing activities, as well as voluntary contributions for specific projects, might have to be re-examined.

19. The European Community and its States members looked forward to the adoption without a vote of the draft resolution with the annexed statement of principles and programme of action.

20. Mr. BONNEMAISON (France), noting that the Ministerial Meeting had been attended by a large number of delegations from Member States, for the most part at the ministerial level, as well as by a large number of non-governmental organizations, said that crime prevention had ceased to be a matter for specialists and was now recognized as a major concern of Governments at the international level. The change was a fundamental one and testified to the commitment of political leaders to the struggle against crime. Discussion at the meeting had been lively and rich in substance, demonstrating the common will to grapple with the problem. Notwithstanding many differences in the economic, social and cultural situations of the countries represented and the multiplicity of approaches and strategies adopted by them, a genuine convergence of views had emerged on a number of important issues. First, all participants, regardless of their country's level of development and prosperity, had agreed that the promotion of development policies based on principles of solidarity, at both the national and the international levels, was an essential element in crime prevention. Another point on which all delegations had agreed was that enforcement measures alone were inadequate and that the battle against crime could be won only by prevention associated with enforcement: in other words, the international community was determined to tackle the causes of crime by means of comprehensive crime prevention strategies. With reference to both prevention and enforcement, his Government attached great importance to the fundamental principles of human rights, a position now shared by the great majority of States.

(Mr. Bonnemaison, France)

21. The draft resolution adopted at the Ministerial Meeting and submitted for the Committee's consideration in the annex to the note by the Secretary-General (A/46/703) was a landmark in the crime prevention activities of the international community, which was at last going to equip itself with the political and functional tools necessary for effective action.

22. Reviewing the draft resolution and the statement of principles and programme of action annexed thereto, he noted that, under paragraph 4 of the draft resolution, the activities of the United Nations crime prevention and criminal justice programme were to be given high priority, a development which, in his delegation's view, necessarily entailed a significant strengthening of the Crime Prevention and Criminal Justice Branch and its upgrading into a division.

23. The draft resolution also recommended the establishment of a commission on crime prevention and criminal justice, composed of 32 members representing all regions, as a functional commission of the Economic and Social Council. Funds released as a result of the dissolution of the Committee on Crime Prevention and Control would be used for setting up the commission in 1992. However, the full implementation of the proposed activities would inevitably mean an increase in the budget of the proposed new body over that of the existing one, an increase which would have to be covered by redeployment of funds within the regular budget of the United Nations. In that connection, his Government wished to say that it favoured a dynamic approach to the concept of zero growth.

24. By proposing that the present members of the Committee on Crime Prevention and Control should be invited to participate during the first two days of the inaugural session of the new commission, the draft resolution sought to ensure continuity in the work of the two bodies. Furthermore, the programme of action annexed to the draft provided for a system whereby the new commission could call upon the services of independent experts for assistance in its work. One of the experts' major tasks would be to assist in the preparations for United Nations congresses on the prevention of crime and the treatment of offenders. His Government welcomed that provision, which would ensure that the new commission and the programme as a whole received the necessary scientific support. In that connection, he drew attention to a second draft resolution adopted by the Ministerial Meeting (A/46/703, annex, chap. II, sect. B), whose paragraph 3 requested the new United Nations commission to consider the question of employing effective mechanisms - which could be, inter alia, a foundation - to facilitate technical cooperation. The second draft resolution also welcomed the proposal adopted by the Second International Conference on Urban Safety, Drugs and Crime Prevention concerning the creation of an international centre, possibly in Montreal, for the prevention of crime. In endorsing those proposals, his Government took the view that the mechanisms required for effective technical cooperation might be funded through extrabudgetary contributions.

(Mr. Bonnemaison, France)

25. He hoped that the draft resolution recommended for adoption by the General Assembly would be adopted at the current session, and that the first meeting of the new commission, attended by members of the Committee on Crime Prevention and Control, would be held in the spring of 1992 so that its first decisions might be placed on the agenda of the July 1992 session of the Economic and Social Council.

26. Mr. LIU Xinsheng (China) said that crime seriously undermined public order and endangered the lives of people in both developed and developing countries. Despite great efforts made by the world community in recent years, crime was becoming more serious in extent as well as in nature. In view of the growth of organized transnational crime, including drug-related crime, international cooperation in the field of crime prevention was urgently necessary.

27. Noting that his country's delegation to the Ministerial Meeting had been headed by the Chinese Minister of Justice, he said that the Meeting had achieved positive results and would have a major impact on cooperation in crime prevention and criminal justice as well as on the work of the United Nations in that field. His delegation wished to express appreciation for the work of the United Nations Centre for Social Development and Humanitarian Affairs and its Crime Prevention and Criminal Justice Branch, as well as of the Committee on Crime Prevention and Control and of the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders. It endorsed the proposals for strengthening the activities of the United Nations crime prevention and criminal justice programme, and hoped to see a strong and effective United Nations organ continue to play a role in that area. A number of points needed, however, to be made in connection with the Ministerial Meeting's recommendations.

28. First, the judicial system of a State was closely related to its constitution and laws and was a reflection of its history, culture and heritage. Every State had the sovereign right to choose the judicial system suited to its conditions and to prevent and control crime by various means within the framework of its constitution and laws. There was not and could not be one legal system applicable to all countries. In undertaking international cooperation in that field, whether bilateral or multilateral, States should strictly abide by the principle of sovereign equality. Making irresponsible and improper comments on the judicial systems of other countries and forcing any system or set of views on others could only do disservice to normal international cooperation.

29. Second, mutual exchanges of experience and information among States Members, as well as technical cooperation and personnel training, were of benefit to both developed and developing countries. With a common goal in view, all countries should engage in cooperation in good faith regardless of differences in their levels of development, their ideologies or their social systems.

(Mr. Liu Xinsheng, China)

30. Third, it had been demonstrated that legal experts played an important role in United Nations crime prevention and control activities. It was therefore appropriate that the proposed new commission should maintain contacts with individual legal experts and make use of their knowledge and expertise. However, the role of individual experts should not be overemphasized; the power to make decisions should lie with the new commission and not with any individual expert. The commission should adopt its decisions on the basis of extensive consultations and in the light of the views of all sides, as well as in the light of past experience, both positive and negative, of relations between existing United Nations organs and experts.

31. Fourth, on the issue of the membership of the proposed new body, his delegation believed that the principle of equitable geographical distribution should apply, and that the experience of recent years with respect to the work of functional commissions and the situation with regard to the composition of existing Council bodies should be taken into account. The Chinese delegation at the Ministerial Meeting had had some reservations with regard to the recommendation concerning the geographical distribution of the Commission (proposed programme of action, footnote to para. 24) and his delegation to the General Assembly still considered the recommendation to be unfair and the number of seats allocated to developing countries in Asia, Africa and Latin America inadequate. It was willing to work with other delegations towards a reasonable solution of that problem through consultations.

32. In conclusion, he once more stressed the importance his Government attached to international cooperation in crime prevention and criminal justice and the active role it had played in the activities of the Committee on Crime Prevention and Control and the United Nations congresses on the prevention of crime and the treatment of offenders. Moreover, in the light of the specific conditions prevailing in China, his Government had endeavoured to incorporate principles contained in the relevant United Nations instruments into its criminal legislation, criminal policies and crime prevention policies, and was prepared to continue its contacts and cooperation with the United Nations and with other countries.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

Draft resolution on enhancing the effectiveness of the principle of periodic and genuine elections (A/C.3/46/L.61/Rev.1)

33. Mr. WATSON (United States of America), introducing the revised draft resolution on behalf of its sponsors, which had been joined by Turkey, drew attention to the new title of the draft. He said that the revised draft clarified, in particular, that the designation of a senior officer to assist the Secretary-General in handling requests for electoral verification did not

(Mr. Watson, United States)

imply the creation of a new position, office or mandate. The sponsors had made every effort to accommodate the concerns expressed by delegations by means of extensive revisions.

34. The change in the seventh preambular paragraph accommodated those delegations which had objected to mentioning specific articles of the Charter. Considering that General Assembly resolutions 43/157 and 45/150 contained essentially the same preambular paragraph but did not refer to the Charter at all, he hoped the change would be acceptable to those delegations which had favoured a specific reference to Article 2 of the Charter.

35. By incorporating the language of paragraph 5 of the original draft resolution, the revised eighth preambular paragraph more strongly emphasized the fundamental principles of sovereignty and non-interference in the internal affairs of States, which formed the basis for any electoral assistance provided.

36. The addition of an eleventh preambular paragraph, based on paragraph 78 of the Secretary-General's report (A/46/609), reflected the view of a number of delegations that the draft resolution should stress that electoral verification was not to become an everyday service to be provided by the United Nations, but was to remain an exceptional activity of the Organization to be undertaken in well-defined circumstances, primarily in situations with a clear international dimension.

37. The addition of a twelfth preambular paragraph reflected the wish of certain delegations that the draft resolution should specify the criteria to be met before the United Nations agreed to requests for electoral verification.

38. Revised paragraph 5 stressed the duty of each Member State, rather than that of the international community at large, to respect the decisions taken by other States in accordance with the provisions of the Charter.

39. Old paragraph 10, which had called for the designation of a Coordinator for Electoral Matters, had created the most difficulties. The corresponding new paragraph, paragraph 9, made it very clear that no new office, programme or mandate was being established or even suggested. The new paragraph simply endorsed the Secretary-General's view that a senior official was necessary to ensure consistency in the handling of requests; specified how the senior official would assist the Secretary-General; and requested the Secretary-General to designate such an official. In response to many delegations' concern that the senior official might play a role in the technical electoral assistance provided by the Centre for Human Rights or other United Nations bodies, the revised paragraph made it clear that the senior official was to channel any such requests to the appropriate office or programme.

(Mr. Watson, United States)

40. In paragraph 13, the words "by a Member State" had been added after the words "official requests" in order to make it clear that electoral assistance would be provided only at the request of the Member State concerned.

41. Old paragraph 16 had been reworded and split into new paragraphs 15 and 16 in order to address some Member States' concerns about the words "other entities" and to accommodate the view that regional organizations were a specific type of intergovernmental organization.

42. New paragraph 17 invited delegations which had not already done so to submit their views on suitable approaches which would permit the Organization to respond to the requests of Member States for electoral assistance.

43. The sponsors hoped that the draft resolution could be adopted without a vote.

44. Mr. LAPOUGE (France) and Miss BOTERO (Colombia), referring to paragraph 9 of the draft resolution, expressed surprise at the use of the words coordonnateur and coordinador in the French and Spanish translations, respectively, since the whole concept of "coordinator" was being scrupulously avoided.

45. Mr. AL-SAUD (Saudi Arabia) noted a similar problem in the Arabic version.

46. Mrs. WARZAZI (Morocco) said that both the ninth preambular paragraph and paragraph 12 should make a clear-cut distinction between the advisory services provided by the Centre for Human Rights and the technical assistance provided by various United Nations agencies. Thus, the beginning of the ninth preambular paragraph should read: "Noting with appreciation the advisory services provided by the Centre for Human Rights as well as technical assistance provided by the Department of Technical Cooperation for Development". Also in the ninth preambular paragraph, the word "some" should be inserted before the words "Member States". In addition to the elimination of the reference to a coordinator in the French and Spanish versions of operative paragraph 9, the words "to coordinate" must be deleted from that paragraph, as must the corresponding words in the other versions. She would appreciate specific information on the missions referred to in paragraph 10. Lastly, the word "requesting" should be added before the words "Member States" in paragraph 18.

47. Mr. MORA GODOY (Cuba) said that, at the appropriate time, his delegation would submit amendments to the draft resolution.

48. Ms. OJAMAA (United States of America) said that her delegation had listened carefully to the proposals made by the Moroccan representative and would consult with her on changing the draft resolution accordingly.

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

Draft resolution on human rights in Haiti (A/C.3/46/L.64/Rev.1)

49. Mrs. DA SILVA (Venezuela), introducing the draft resolution on behalf of its sponsors, which had been joined by Finland and Sweden, said that a fifth preambular paragraph referring to the current mass exodus of Haitian nationals had been added. A new sixth preambular paragraph noted the declaration adopted by the Permanent Council of the Organization of American States on 22 November 1991 and the dispatch by the Inter-American Commission on Human Rights of an investigating team to Haiti on 4 December 1991. Paragraph 2 expressly condemned the overthrow of President Jean-Bertrand Aristede, and paragraph 3 spelled out the human rights violations committed under the illegal Government set up following the coup. A new paragraph 5 called attention to the fate of Haitian nationals fleeing the country, and the final paragraph of the draft resolution invited the independent expert appointed by the Secretary-General to review the human rights situation in Haiti to submit an updated report to the Commission on Human Rights. She hoped that, with those revisions and a number of stylistic changes, the draft resolution could be adopted without a vote.

The meeting rose at 11.55 a.m.

A/C.3/46
/SR.58

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
58th meeting
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Tuesday, 10 December 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

(b) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/46/363, 524 and 703; A/C.3/46/L.67 and L.70)

1. Mr. BURTON (United States of America) said that, at the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Versailles the previous month, consensus had been achieved on a recommendation to the General Assembly reaffirming and supplementing the consensus reached by the Intergovernmental Working Group at its Vienna session. The actions set out in the draft resolution and its annex, recommended by the Ministerial Meeting for adoption by the General Assembly which were contained in the report of the Meeting (A/46/703, annex, chap. II, sect. A), offered the most appropriate measures currently feasible to create a truly effective United Nations crime prevention and criminal justice programme. Absence of significant governmental involvement in the programme was particularly harmful to its credibility and effectiveness, in view of the inherently governmental nature of law enforcement and criminal justice. That governmental vacuum had resulted in a proliferation of international instruments not initiated or drafted by Member States. Since correction of such deficiencies could not be achieved because meaningful governmental participation was impossible under present structures and procedures, his delegation urged that the General Assembly should adopt the draft resolution and annex by consensus and without change.

2. The central ingredient of reform was the new functional commission of the Economic and Social Council called for in the draft resolution. The new intergovernmental body would be established by the Council at its organizational session in February 1992, its members would be elected in April 1992, and it would convene for its inaugural session later in the year. The new commission would provide a reasonable balance between governmental and non-governmental interests.

3. His delegation expressed appreciation to the members of the Committee on Crime Prevention and Control for recognizing the need for radical reform of the crime prevention and criminal justice programme and taking the initial steps towards that goal. However, there was general agreement on the need to create an institutional structure to ensure governmental involvement in and supervision of the programme. Accordingly, the draft resolution requested the Economic and Social Council, at its February 1992 organizational session, to dissolve the Committee on Crime Prevention and Control. However, in recognition of their service and to ensure a smooth transition, the Committee members would be invited to participate in the new commission's first session.

(Mr. Burton, United States)

4. Adequate funds were available for annual sessions of the new commission, which could begin its work without delay. During the transition period, the Secretariat should concentrate on preparations for the commission's first meeting. However, it would be inappropriate for the Secretariat to pursue work relating to past resolutions of the General Assembly or of United Nations congresses on the prevention of crime and the treatment of offenders until the commission had reviewed them. Consideration of the general issue of whether or not additional international instruments should be drafted in the field of crime prevention and criminal justice should be left to the new intergovernmental commission. There must be no prejudging of either that issue or other issues.

5. Mr. CORNEJO (Chile) said that high population growth rates and density in large cities were factors clearly contributing to increased antisocial behaviour. His Government's social policy included an economic development strategy designed to enable Chilean citizens to benefit equally from social services and to improve access for target groups to such services. One of its major concerns was guaranteeing the full enjoyment of human rights through institutional and legal changes in order to achieve greater fairness, solidarity, effectiveness and comprehensiveness of activities, participation in society, and respect for the dignity of the individual.

6. With regard to crime prevention, his Government had emphasized primary prevention through programmes to reduce the crime rate. There was growing concern for the problems of vulnerable and disadvantaged children without a stable family structure. The Ministry of Justice was targeting its social programmes at extremely poor population groups in order to prevent family disintegration. It was attempting to ensure, for example, that adoption procedures guaranteed that the best interests of the children concerned were served.

7. As to rehabilitation of offenders, policies to ensure humane treatment of prisoners and to promote their self-esteem were being applied, and regulations governing imprisonment were being amended in order to bring them into line with the new Chilean policies and with the principles laid down in the relevant United Nations instruments. An integral treatment system was designed to change prisoner behaviour with the goal of reintegrating prisoners into society successfully.

8. Prevention of recidivism was intended to achieve gradual reintegration of the criminal into society. The aim was to ensure that the individual did not return to the environment which had given rise to his criminal conduct in the first place, thus preventing him from relapsing into crime. Crime was a phenomenon associated with numerous social and individual variables, and the solution lay in implementing programmes covering all its aspects.

9. The Chilean criminal justice system needed to be improved on an ongoing basis. His Government was therefore promoting the establishment of a national

(Mr. Cornejo, Chile)

body to provide the judiciary with machinery to enable it to act as an independent guarantor of the primacy of law, the very foundation of democracy. With a view to ensuring that the judiciary maintained high standards, the necessary reforms were being undertaken to set up a special school for training lawyers and others involved in administering justice and for providing further training for judges. The general goal was to ensure that the judiciary accorded human rights full protection under the Constitution and Chilean law. All Chilean legislation, including criminal legislation, and existing institutions were therefore being adjusted to take account of the provisions of the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man and other international instruments. A series of changes had recently been made in Chile's criminal legislation. He wished in particular to draw attention to the new legislation amending the Code of Military Justice, the legislation on terrorism and the legislation on national security. With regard to political prisoners, a project for their social reintegration and employment rehabilitation had been undertaken. Many such prisoners had lost their jobs, been subjected to discrimination and been prevented from completing their education.

10. Mrs. EJIRI (Japan) said that the Committee's decision at the current session whether to establish a commission on crime prevention and criminal justice as a functional body of the Economic and Social Council would be the most important taken in the field since United Nations involvement had begun in 1950. The recommendations before the Committee represented a real political commitment and were the result of a review of the activities and structure of the crime prevention and criminal justice programme dating back to the adoption of the Milan Plan of Action by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985.

11. Her Government had vigorously supported United Nations crime prevention and criminal justice activities since their inception. It was currently involved in follow-up activities to the Eighth Congress. However, United Nations mechanisms had been neglected, owing in part to lack of resources and to insufficient political support for efforts to strengthen them. With the internationalization and growing sophistication of crime, the importance of effective United Nations leadership in the field in question was greater than ever. Her delegation was therefore in favour of the adoption of the recommendations of the Ministerial Meeting set out in the annex to document A/46/703.

12. Japan wished to stress the importance of the United Nations congresses on the prevention of crime and the treatment of offenders. They provided invaluable opportunities for an exchange of views and experiences among those directly involved in policy-making, administration, research and teaching. Holding the congresses was a contractual obligation assumed by the United Nations under its 1950 agreement with the International Penal and Penitentiary Commission which could not be broken unilaterally. In addition, the congresses had proved to be one of the best ways of promoting technical

(Mrs. Ejiri, Japan)

cooperation among both developing and developed countries. Her delegation was therefore pleased that provision for such congresses, with modified functions, was made in the proposed programme of action annexed to the recommendations of the Ministerial Meeting.

13. Her Government supported the establishment of a commission on crime prevention and criminal justice as a new functional body of the Economic and Social Council. The dissolution of the existing Committee on Crime Prevention and Control appeared unavoidable, in view of the current financial situation. However, it was essential for the new commission to meet in 1992 to avoid any interruption in United Nations activities in crime prevention and control.

14. Japan emphasized the importance of strengthening the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in Vienna. Despite many General Assembly resolutions calling for increased substantive secretariat support over the past five years, there had been no real structural change. Yet international cooperation in fighting crime, which had enormous human, social and economic costs to society, was of primary importance.

15. In view of the clear mandate yielded by the Ministerial Meeting, failure to respond to its recommendations by taking practical steps to strengthen the programme would send a very dangerous signal to the perpetrators of international crime. The programme must be given high priority and must be equipped with a competent secretariat and adequate resources to implement the directives of the Ministerial Meeting and the new commission. Member States must also make the maximum effort to translate the principles underlying the resolutions of the Eighth Congress into concrete action.

16. Mr. STUART (Australia), speaking on behalf of the delegations of Canada, New Zealand and his own country, said that each of their Governments attached considerable importance to the work of the United Nations in promoting international cooperation in the field of crime prevention and criminal justice. They accordingly supported the recommendations set out in the report of the Ministerial Meeting (A/46/703, annex).

17. From the early days of the Organization's existence, crime prevention and criminal justice had been considered to be fundamental to social progress and better standards of life. Over the decades, however, the internationalization of trade and finance had irrevocably changed the nature of crime as an international problem. The day of the truly international criminal, and criminal network, had arrived, at a time when law enforcement and criminal justice personnel were still constrained by domestic and other factors. There had been a growing realization that no one country could combat crime in all its manifestations. It had also been recognized that organized crime could become powerful enough to threaten stable Governments, to inhibit social and economic development, and to reduce the capacity of Governments to meet the legitimate aspirations of their citizens.

(Mr. Stuart, Australia)

18. Successful cooperation in the field of criminal justice required the involvement of a range of organizations at the local, national and international level, and in particular those providing technical assistance. In the long term, an improved criminal justice system contributed to a social climate in which human rights were more fully respected and to greater socio-economic progress: a reduction in the social costs of crime would free resources for other purposes.

19. Notwithstanding the endeavours to confront the many dimensions of international crime, by the end of the previous decade many Governments had concluded that the United Nations criminal justice programme had not kept pace with the changing nature of crime. The relevant United Nations expert body, the Committee on Crime Prevention and Control, had pointed out that the five-yearly congresses were no longer a source of coherent guidance. It had determined that the United Nations bodies concerned with crime prevention had no option but to concentrate on a few aspects of the problem, given their very limited resources, and that no mechanism had been developed for ensuring implementation of even the most important resolutions adopted by the congresses: in short, enthusiasm for programme development had outstripped programme implementation.

20. It was against that background that the General Assembly, in its resolution 45/108, had decided to establish an intergovernmental working group to produce a report containing proposals for a stronger United Nations programme to combat international crime. The Working Group's report had been evaluated at the Ministerial Meeting. Canada, New Zealand and Australia, which had participated actively in the Meeting, supported the Meeting's recommendations as expressed in the draft resolution and annex set out in its report (A/46/703, annex) and in particular the decision in paragraph 10 that a commission on crime prevention and criminal justice should be established as a functional commission of the Economic and Social Council. The recommendations were in accordance with the commitment of Member States to rationalization and greater efficiency in United Nations structures.

21. The role of the new commission would be to determine, manage, develop, monitor and review the United Nations crime prevention and criminal justice programme. The commission would coordinate the activities of interregional and regional institutes and prepare for the quinquennial congresses. The proposed programme of action annexed to the draft resolution would be the guiding document for the commission.

22. The delegations of Canada, New Zealand and Australia also supported the participation of non-governmental organizations in the work of the commission, since they represented interest groups and constituencies which, in the main, were the end-users of criminal justice programmes and policies. The three delegations welcomed the proposed retention and reform of the United Nations congresses on the prevention of crime and the treatment of offenders, which provided an important forum for information exchange and consultation and for

(Mr. Stuart, Australia)

the identification of emerging issues. The congresses would also offer an opportunity for a review of the previous five years' work. The recommendations of the Ministerial Meeting identified the goals and scope of the proposed programme and spelled out the criteria for determining priorities. One consequence of the application of the criteria would be to enhance the capacity of the United Nations to provide technical assistance in meeting the requests of Member States.

23. Establishment of the commission should not be delayed. The effect of postponing agreement on the recommendations adopted at the Versailles Meeting would be to retard the formulation and implementation of the new crime prevention and criminal justice programme. Canada, New Zealand and Australia believed that countries' needs should prevail over the procedures of international bureaucracy.

24. Mr. OLIYNYK (Ukraine) said that his delegation attached great importance to the item under consideration and shared the deep concern expressed by States at the constant increase in crime. Unless effective measures were taken to combat crime, that trend would continue in the future. The statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, contained in the annex to document A/46/703, constituted a balanced plan of action for efforts in that regard at the national and international level.

25. His delegation supported the view that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime. The programme's provisions concerning various forms of cooperation in order to provide assistance to States were important. There was a need to study the various aspects of crime related to migration caused by political and socio-economic factors. Exchanging experience in dealing with computer crime and regional cooperation were essential. His delegation supported the establishment of a commission on crime prevention and criminal justice and the dissolution of the Committee on Crime Prevention and Control. The new commission should become an important intergovernmental body for coordinating cooperation among States in combating crime. In view of the current unfavourable economic situation in many countries, the programme should be financed only through the redeployment of funds within the regular budget of the United Nations.

26. In the past two years, the number of crimes committed in Ukraine had significantly increased. His country was endeavouring to develop international cooperation in that field and its law enforcement agencies were open to contacts on a bilateral and multilateral basis. Ukraine and Hungary had reached an agreement in principle to cooperate with one another, and Ukraine had proposed the establishment of direct links with Poland, Czechoslovakia, Bulgaria, Romania and Turkey. Agreements signed with Russia, Belarus and other States also provided for cooperation in the field of crime prevention.

(Mr. Oliynyk, Ukraine)

27. His Government focused considerable attention on preventing traffic in narcotic drugs and placed great hope in achieving the goals of the United Nations Decade against Drug Abuse 1991-2000. Moreover, Ukraine was drafting new criminal legislation in full accordance with the international human rights instruments and planned to reform its judicial system in order to ensure the complete independence of judges.

28. Ms. SEMAFUMU (Uganda) said that the United Nations had made commendable progress in the field of crime prevention and criminal justice, particularly in the area of standard-setting, protection of the rights of victims and humane treatment of offenders. The challenge posed by crime took on a new dimension in developing countries, which had to cope with economic difficulties and fragile institutions. Crime remained a serious impediment to development, diminishing economic gains and further impairing quality of life. Structural adjustment in Uganda had led to a marked rise in criminality as people attempted to come to terms with new socio-economic realities. In response to the increase in crime, a number of measures had been taken to support traditional national institutions for crime prevention, law enforcement and criminal justice administration.

29. The Office of the Inspector General of Government continued to act as an ombudsman at the national level. A number of legislative measures had been taken to strengthen the rule of law and enable Ugandan society to cope with new challenges. Her delegation welcomed the efforts to establish an effective United Nations crime prevention and criminal justice programme and hoped that Member States would commit themselves to achieving its objectives. In order to be effective, the programme must emphasize endogenous capacity-building in developing countries. In addition to providing technical assistance and advisory services and training, the United Nations could act as a catalyst for the transfer of appropriate technology to developing countries.

30. Uganda welcomed the proposed establishment of a commission on crime prevention and criminal justice as a functional commission of the Economic and Social Council, but would have wished to see a more equitable distribution of seats. She supported the retention of the quinquennial congresses as a consultative body of the programme and felt that the preparatory meetings, particularly those in developing countries, should be funded from the regular budget. The importance of providing the secretariat with sufficient resources could not be overemphasized. It was to be hoped, nevertheless, that that could be done without redeploying resources from other areas of interest to developing countries.

31. Her delegation welcomed the emphasis on interregional and regional institutes for the prevention of crime and the treatment of offenders. Uganda attached great importance to the proper functioning of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders and had striven to meet its obligations as the host country in spite of numerous pressing needs and priorities. Unfortunately, the survival of the Institute was threatened by lack of adequate funding because many of the

(Ms. Semafumu, Uganda)

African countries responsible for supporting it were unable to fulfil their financial obligations. Her delegation was disappointed to note the absence of specific proposals for resolving that situation. The Group of African States had submitted a draft resolution to ensure that sufficient resources were provided to the Institute (A/C.3/46/L.67). She hoped that all delegations would be able to support the draft resolution to ensure the survival of the Institute.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/46/L.61/Rev.1, L.69 and L.71)

Draft resolution on enhancing the effectiveness of the principle of periodic and genuine elections (A/C.3/46/L.61/Rev.1)

32. Mr. MORA GODOY (Cuba), introducing the amendments to draft resolution A/C.3/46/L.61/Rev.1 contained in document A/C.3/46/L.71, said that in the course of the informal consultations on the draft resolution a number of concerns and issues had been brought up but had not been reflected in the draft. Since there had been no opportunity for further negotiation, his delegation had decided to submit the amendments set out in document A/C.3/46/L.71, which were designed to bring the wording of the draft resolution into line with the language of the Charter.

33. Amendments 1 and 6 sought to delete a phrase which had not appeared in earlier resolutions on the subject. The principle of self-determination had not been implemented solely through the electoral process. Historic movements aimed at achieving political independence and combating colonialism, racism and apartheid had also been in accordance with the principle of self-determination.

34. Amendment 2 provided for two preambular paragraphs which, respectively, recalled the principle enshrined in Article 2, paragraph 7, of the Charter and recognized that the holding of elections was a matter falling within the domestic jurisdiction of States.

35. Amendment 4 sought to add a new preambular paragraph that took into account that when the Secretary-General had invited Member States to submit their views most of the States which had replied had opposed the establishment of a new United Nations structure to verify elections or provide electoral assistance.

36. Amendment 7, therefore, was designed to enable Member States to carry out informal consultations on the relevant proposals presented by the Secretary-General. Cuba did not feel that a decision had to be taken at the current stage. In order to give delegations more time to study its amendments and hold further negotiations, he proposed that the Committee should defer action on the draft resolution to the next meeting.

37. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to defer action on draft resolution A/C.3/46/L.61/Rev.1 to the next meeting, in accordance with the Cuban proposal.

38. It was so decided.

39. Mr. WATSON (United States of America) said that Chile and Paraguay had joined the list of sponsors of draft resolution A/C.3/46/L.61/Rev.1. His delegation proposed a number of revisions which reflected the outcome of consultations with other delegations, and also the suggestions made by the representative of Morocco at the previous meeting. In the ninth preambular paragraph, the words "various technical assistance and" should be deleted and the words "and technical assistance provided by" should be added after the words "advisory services". In the same paragraph, the words "are providing" should be deleted from the fourth line and the word "some" should be added before "Member States" in the same line.

40. In paragraph 7, the word "some" should be added before "Member States" in the second line.

41. In paragraph 9, the words "of Member States organizing elections" should be added before the comma in the fourth line.

42. In the first line of paragaph 12, the word "and" should be replaced by the words "for its advisory services and technical assistance as well as". The word "electoral" should be deleted from the third line, and the word "that" should be inserted after "assistance".

43. Lastly, in paragraph 18, the word "requesting" should be added before "Member States" in the fourth line.

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/46/L.64/Rev.1)

Draft resolution on human rights in Haiti (A/C.3/46/L.64/Rev.1)

44. The CHAIRMAN announced that Benin, Finland and Sweden had joined the list of sponsors of the draft.

45. Draft resolution A/C.3/46/L.64/Rev.1 was adopted.

46. Mr. WATSON (United States of America) said that although his delegation had joined the consensus on the draft resolution just adopted, it wished to explain its position on paragraph 3 of the text. The paragraph in question conveyed the substance of reports received by the Commission on Human Rights, the Inter-American Commission on Human Rights and a number of agencies. His delegation understood that the majority of the human rights violations had taken place during and immediately following the coup in Haiti, and that investigations of the reports were either ongoing or planned. Lastly, his

(Mr. Watson, United States)

delegation condemned in the strongest terms any violations of the human rights of individuals in Haiti that had occurred, and urged all parties in Haiti to respect the requirements of the Universal Declaration of Human Rights and the fundamental principles of human decency.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/46/L.68)

47. Mr. KRENKEL (Austria), introducing the report of the Working Group on the Rationalization of the Work of the Third Committee (A/C.3/46/L.68), said that the informal open-ended Working Group had held frank and useful discussions on the organization of the Committee's work, with particular reference to the order in which items were to be considered at the next session of the General Assembly and the question of documentation. The Committee might wish to hold an informal meeting to consider the question of the organization of its work. He hoped that the Committee could adopt the draft resolution set out in paragraph 3 of the report without a vote.

The meeting rose at 11.45 a.m.